

## Kirstie Henry

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**From:** Mary Moran  
**Sent:** Saturday, October 14, 2023 1:11 PM  
**To:** Marina Murray; Anthony Fernicola  
**Cc:** Joseph Matteliano; Bosman Law; Rob Strum; Kirstie Henry  
**Subject:** RE: Juror #3

Good afternoon. Thank you for your input. The judge believes the proper thing to do during deliberations is nothing. The judge will wait to see what Monday morning brings. Have a good weekend.

-Mary

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**From:** Marina Murray <mmurray@sugarmanlaw.com>  
**Sent:** Saturday, October 14, 2023 12:26 AM  
**To:** Anthony Fernicola <anthony@bosmanlaw.net>; Mary Moran <Mary\_Moran@nywd.uscourts.gov>  
**Cc:** Joseph Matteliano <jmatteliano@sugarmanlaw.com>; Bosman Law <office@bosmanlaw.net>; Rob Strum <rob@bosmanlaw.net>; Kirstie Henry <Kirstie\_Henry@nywd.uscourts.gov>  
**Subject:** Re: Juror #3

### CAUTION - EXTERNAL:

We have no objections

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**From:** Anthony Fernicola <[anthony@bosmanlaw.net](mailto:anthony@bosmanlaw.net)>  
**Sent:** Friday, October 13, 2023 9:31:35 PM  
**To:** Mary Moran <[Mary\\_Moran@nywd.uscourts.gov](mailto:Mary_Moran@nywd.uscourts.gov)>  
**Cc:** Marina Murray <[mmurray@sugarmanlaw.com](mailto:mmurray@sugarmanlaw.com)>; Joseph Matteliano <[jmatteliano@sugarmanlaw.com](mailto:jmatteliano@sugarmanlaw.com)>; Bosman Law <[office@bosmanlaw.net](mailto:office@bosmanlaw.net)>; Rob Strum <[rob@bosmanlaw.net](mailto:rob@bosmanlaw.net)>; Kirstie Henry <[Kirstie\\_Henry@nywd.uscourts.gov](mailto:Kirstie_Henry@nywd.uscourts.gov)>  
**Subject:** Re: Juror #3

Mary,

Attorney Bosman requested that I send the following message in response to your e-mail:

We consulted with our clients and advised them that because the jury has already been sworn and in deliberation, it would be a breach of protocol for a third party to contact that juror in the absence of a stenographer and counsel. However, we are not opposed to Judge Sinatra, personally, contacting Juror # 3 for the purposes of discerning

what vacation he was referring to. Our clients agree. We would further request that Judge Sinatra advise counsel collectively as to the results of the conversation with Juror # 3.

On Fri, Oct 13, 2023 at 7:30 PM Mary Moran <[Mary\\_Moran@nywd.uscourts.gov](mailto:Mary_Moran@nywd.uscourts.gov)> wrote:

Good evening. The judge asked me to convey this to you:

On the jury's way out today, juror #3 (older, white haired man) tapped the arm of court security officer Pat and said he had pre-planned vacation plans for Monday. No further information was conveyed in either direction, as far as we know.

There are a few ultimate options. But for now, does anyone object to us asking Joel, our jury administrator, to call juror 3 to ask him to "explain the vacation concern further, at the judge's request"? We would then report back to you what we learn. Once we know more, we can communicate about what should happen over the weekend, if anything.

Once this email chain among us is concluded, it will be docketed as well.

Thank you,  
Mary

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**Anthony J. Fernicola**

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